



### **Canyon Meadows Residents Meet With County Planners**

Canyon Meadows property owners spent last Thursday evening with the Wasatch County Planning Commission debating a building moratorium ordinance. Currently, no building is allowed in the subdivision because of concerns over septic systems. Above, Ray Zull, attorney for Canyon Meadows argues a point. The subdivision filed suit against Wasatch County last month.

10-15-97



# Test: Good News For Canyon Meadows

After spending nearly \$25,000, a new study says soil strengths meet acceptable safety factors

BY DAVE ANDERTON  
Wave Editor

A detailed geotechnical report performed by Applied Geotechnical Engineering Consultants, an engineering firm based in Sandy City, concludes that Canyon Meadows, a subdivision located in Provo Canyon, contains above average soil strengths.

The study is one of two reports designed to evaluate the stability of the ground on which Canyon Meadows lies. Wasatch County paid

\$25,000 for the soil strength test.

An inclinometer test, a separate study that measures ground movement, is anticipated to be released sometime this month. Canyon Meadows property owners paid \$50,000 for the inclinometer test.

"The stability analysis indicates that when the residual soil strengths are used, a static factor of safety greater than 2 is obtained," reads the report. "Under static conditions, the site meets the criteria of a factor of safety greater than 1.3 as indicated by the Utah Geological Survey."

A factor rating less than one is considered dangerous. The higher the number, the safer the ground.

The report cautions that the site's soil strengths are weaker when applied against seismic conditions, namely an earthquake.

Soil strengths applied against a hypothetical earthquake scenario would yield a rating "close to and possibly greater than 1.0," according to the report.

The data is welcome news for Canyon Meadows property owners who claim that Wasatch County has

irresponsibly devalued property values by imposing a building moratorium last year.

"The evidence was already there," claimed Vic Orvis, a property owner, who said that a similar study conducted by the Utah Department of Transportation revealed no movement near Canyon Meadows.

"The only things that are slipping away are our property rights and our protections under the law, not Canyon Meadows," said an angry Orvis, who warns others that Wasatch County does not follow their own building codes or ordinances.

"County development codes are written to protect home and lot buy-

ers from those who might not be inclined to provide this protection voluntarily," said Orvis. "Prior to active development of Canyon Meadows and apparently Timber Lakes, Wasatch County officials were advised by Utah State officials to have the developers conduct slope stability studies. In both cases this advice was ignored. Decades later the county has come back on these taxpaying lot owners. It seems to me that it is not the septic systems that stink in Wasatch County but the way taxpayers are being abused and their rights ignored."

## Who Slide Debate Houses

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Houses area was "marginally firm informed the firm that "soil strengths [were] lower than what had been determined during UDOT studies." According to Thomas Lee, a professional geotechnical engineer based in San Francisco, U.S. Highway 189 "is expected to undergo continual creep movements and to require maintenance unless mitigation works such as deep drilled shafts and subsurface systems are implemented."

Canyon Meadows residents admit that the highway is moving, but deny any movement is occurring in the nearby subdivision.

The building moratorium imposed by Wasatch County incited property owners to file a lawsuit against the county. The suit is still pending, but Bob Mathis, Wasatch County Planner, says he thinks the county is close to reaching an agreement with property owners.

Mathis said that the inclinometer results are needed before a complete judgement can be made. He also remains skeptical about the length of time the inclinometers have been operating, saying that eight months is not enough time for an accurate picture of any slide movement.

Mathis says he would prefer to see the inclinometers remain in place over several years.



# Landslide Dispute Reaches Compromise

BY DAVE ANDERTON  
Wave Editor

"An extremely slow to very slow landslide," that is how experts are describing the Canyon Meadows area, a subdivision located in Provo Canyon.

On a scale from one to seven, seven ranking as the most severe, Canyon Meadows rates between a category one and category two landslide, according to engineering expert James Nordquist.

"The movement is imperceptible

without instrumentation," said Nordquist. "Construction is possible with precautions."

A category two landslide is characterized by some movement, but permanent structures undamaged by the movement. A category seven landslide results in major violence, "buildings destroyed by impact of displaced material; many deaths; escape unlikely," according to Nordquist.

Nordquist's conclusions prompted county commissioners to grant Bob Perez, a Canyon Meadows

property owner, the first building permit since a building moratorium was imposed on the subdivision in January 1997.

Nordquist also presented the results of a deformation study that determined that a worse-case scenario earthquake would be capable of moving the ground four inches. However, such an earthquake happening is remote—once in 500 years.

"People should know the data and have the opportunity to decide how to withstand the movement,"

said Nordquist. "It is moving at a rate that is tolerable...It is okay to build on."

Nordquist said that the data showed approximately 0.6 inches of movement a year. In other areas of the landslide, no movement was detected. Several homes have already been built in Canyon Meadows, some homes are 20-years-old. No cracked foundations or damage to infrastructure has been detected over that time period.

Other property owners will be required to meet the same scrutiny

that Perez's lot was subjected to.

The decision follows two years of building moratoriums, engineering tests, and lawyer posturing.

Thursday's meeting was relatively mild, although attorneys on both sides, at times, bickered.

"Over all these years not one report has said it is unsafe to build," said Gordon Duval, an attorney representing Canyon Meadows.

Wasatch County Deputy Attorney Joseph Dunbeck called Duval's remarks distorted.

# Lawsuits and Landslides

9-2-98  
Commissioners did the right thing when they granted Bob Perez, a Canyon Meadows property owner, a building permit last Thursday evening. After two years of testing, the results are conclusive—Canyon Meadows is a category one landslide, the lowest category ranking a landslide can receive. A category one landslide means construction is possible with precautions.

The good news is welcomed by the approximately 80 property owners in Canyon Meadows. Unfortunately, the property owners are still embroiled in a legal battle with Wasatch County, one that has already cost the subdivision nearly \$200,000 in legal fees.

This lawsuit could have been prevented had Wasatch County required the developer to meet slope stability standards before the subdivision was approved. Wasatch County seems to have a habit of approving subdivisions without enforcing engineering standards on the developers.

11-18-98  
Geologists warned Wasatch County Planner Bob Mathis of potential unstable movements in the Canyon Meadows area as early as 1978.

Similar problems are occurring in Timber Lakes and now in Wild Mare Farms, a subdivision in Center Creek, where property owners purchased lots with no water.

If Wasatch County can't enforce its own ordinances on developers, its time the county got out of the subdivision business. Wasatch County is spending an inordinate amount of time and money on deputy lawyers, at taxpayers' expense, fixing problems that could have been prevented if its own standards were upheld.

Crisis management is costly. We hope the county has learned from the high cost of litigation. The problem would have been better solved in the planning stage, at the beginning, rather than after the subdivision was approved and occupied.



# Canyon Meadows Cans Offer From County

Residents say they were "insulted" by the county's offer of \$100,000 and concessions

Suzanne Bates

Courier Staff

After you hear the stories from the Canyon Meadows home and landowners, it is clear why they are angry.

There is the family that has spent three years and \$11,000, and now they are just starting to build their home. Another family that has spent \$5,000 and a year and a half and they now have a hole in the ground. And yet another family that spent \$350,000 to have their home built, and then could only sell it for \$289,000.

It gets worse. One family had such a hard time getting their home built that by the time the home was finished, the family was bankrupt after spending more than \$100,000 to get the required permits and tests done, and the home was repossessed by the bank.

Why have they had all of these problems? It started in 1997 when the county imposed a building moratorium on Canyon Meadows because of supposed slide possibilities. Moratoriums are legally supposed to last only six months, but somehow the moratorium was stretched out far beyond that deadline.

Even when landowners were told they could build, they had to pay for expensive "perk" and "slide" studies. All of the lots on the meadow are on a septic system because there is no sewer line up to the development. The perk tests are done before a septic system can be put in. Pretty standard procedure, until you recognize that the owners of these lots were forced to do tests that are more stringent than people have to do in the rest of the county, and there are no laws on the books that dictate what tests they had to do.

Canyon Meadows homeowners association has sued the county over these and other issues. Lawsuits were also filed against County Health Director Phil Wright, former County Planner Bob Mathis, and County Commissioners LaRen Provost, Ralph Duke, Mike Kohler, Sharon Winterton, and Keith Jacobsen.

On Saturday June 10, at the annual Canyon Meadow's Homeowner's Association meeting, Craig Wentz, an insurance attorney for the county, presented an offer to the homeowners. The offer included water shares, which would be leased to homeowners at below cost

for ten years, a subsidy which amounts to about \$22,000. It also included rescinding the 4'10" perk test requirement imposed on Canyon Meadow's homeowners, and implement the 12" requirement that exists in the rest of the county.

Along with other promises to better adopt and follow county laws and ordinances, the county offered the homeowners a \$100,000 lump sum to settle.

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Homeowners did not appear to be happy with the settlement offer when they were invited to ask Wentz questions. They asked why they should be happy with the county's offer to provide water now when it should have been in place before the lots were even sold. They also seemed angry that the county was coming to them with only \$100,000 in a settlement when so many of them have spent so much time and money.

"I was actually insulted by their proposal," said homeowner Karen Swenson. She said that the money offered was not adequate compensation for the heartache that homeowners have had to go through. She said the hassles that homeowners have to go through show "what you have to be made of to be a Canyon Meadowan."

Dee Olsen, who is on Canyon Meadow's litigation committee, said that the \$100,000 settlement offer "would be fine as a tip, a gratuity." 12